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SUBJECT: CANADIAN OFFICIALS DENY AFGHAN ABUSE CLAIMS

REF: OTTAWA 890

(SBU) Summary: The Canadian government continues to try to contain the furor provoked by diplomat Richard Colvin's allegations on November 18 that Canadian defense personnel in Afghanistan transferred Afghan prisoners to Afghan authorities in 2006 and 2007 despite misgivings they would be tortured or subject to abuse. (reftel). Former senior military and civilian officials responsible for Afghan policy have emphatically refuted Colvin's allegations. The issue has dominated this week's political and media coverage, and an early poll suggests that 51% of respondents believed that detainees were likely abused. The government has flatly rejected claims of a "cover up" of torture allegations and is resisting calls for a public inquiry. End summary

FORMER GENERALS FIGHT BACK

12. (U) On November 25, retired Chief of the Defence Staff (CDS) Gen. Rick Hillier, retired Lt. Col. Michel Gauthier (Commander of the Canadian Expeditionary Force in 2006 and 2007), and Major-General David Fraser (the first Canadian commander in Kandahar) appeared before the House of Commons Special Committee on Canada's Mission to Afghanistan (AFGH). Hillier said that he was eager to testify after "hearing myself described as both a liar and negligent in my duties" in the wake of Richard Colvin's testimony. All three generals said they were aware of problems in Afghan prisons, and conceded that Canada's prisoner transfer arrangements before May 2007 "were not perfect." However, Hillier insisted that military officials tried to seek a balance between unsubstantiated reports and specific documented instances of abuse, all the while engaging a violent insurgency. He rejected Richard Colvin's claims that likely all detainees faced abuse and torture as "ludicrous" and lacking in substance. Hillier admitted that he did not read Colvin's reports in 2006 and 2007, but had reviewed them since, and the early reports contained "nothing about abuse, nothing about torture, or anything else that would have caught my attention or the attention of others." He stated, "There was simply nothing there."

COLVIN NOT "MUZZLED"

13. (U) On November 26, former Associate Deputy Minister (Under Secretary-equivalent) of Foreign Affairs for Afghanistan policy David Mulroney defended his record before the AFGH. Colvin had alleged that Mulroney specifically had warned him not to put his concerns over torture in writing. Mulroney flew in from Beijing, where he is currently Canada's ambassador, despite the fact that the AFGH had not called him as a witness and that the embassy in Beijing is in final preparations for a high-profile first visit by PM Stephen Harper to China from December 2 to 6.

¶4. (U) Mulroney firmly denied that the Canadian government ignored Richard Colvin's reports. He confirmed that Canadian officials had a "very widespread and credible understanding that there were lots of problems" in the Afghan justice system, prisons, police, "and throughout the Afghan system." He conceded that the logistical and military challenges of the new mission in Kandahar meant it took time for the Canadian government to grapple with the problem of how to monitor detainees. However, he insisted that the Canadian government had no specific evidence of torture, and had moved to address concerns in the May 2007 revised transfer arrangement. He admitted that Canada did not know the fate of detainees before May ¶2007. Mulroney dismissed as "speculation" Colvin's claim that all detainees transferred by Canadian Forces were likely tortured. He denied that he had attempted to suppress Colvin's reports, insisting that "the view that I muzzled him or any other official is wrong."

¶5. (U) Mulroney said that he did not recall briefing PM Harper on the detainee issue when he served as Harper's Foreign Policy Advisor in 2006. He confirmed that when he moved to the Foreign Affairs Department in 2007 as the senior coordinator for the Afghanistan mission, he briefed then-Foreign Affairs Minister Peter MacKay (now Defense Minister) on the issue. Separately, Richard Colvin confirmed on November 25 that he had emailed copies of his reports alleging abuse of Afghan detainees through secure channels

to MacKay's office on at least two occasions in May and June 2006.

LET THE AFGH DO ITS WORK

¶6. (U) The opposition parties on the AFGH have demanded access to all government documents relevant to the possible torture of Afghan detainees, including Colvin's reports. On November 24, PM Harper and Defence Minister MacKay pledged to provide "all legally-available" documents to the AFGH, although MacKay would not say when they would be released. They will first have to be vetted to comply with disclosure rules under the Canada Evidence Act, the National Defence Act, and for national security information. MacKay confirmed that the papers would include documents generated by the previous Liberal government. The opposition parties, together with Amnesty International Canada, insist that the only way to clear up the contradictions in the two versions of the story is for the government to call a public inquiry. However, the government spokesperson said Prime Minister Harper favors allowing the AFGH to complete its work.

¶6. (U) The detainee issue has consumed the daily parliamentary Question Period, but both PM Harper and Liberal leader Michael Ignatieff have largely absented themselves from the debate. Harper skipped Question Period on November 23 -- his first day back after a trip to Singapore (APEC) and India -- to accept a lacrosse jersey from Canada's National Men's Field Lacrosse Team. Ignatieff did not appear in Question Period until November 23, leaving foreign affairs critic Bob Rae to take the lead.

PUBLIC TRACTION?

¶7. (U) There are no polls so far to gauge whether the Colvin allegations have eroded Conservative support. However, a Harris-Decima poll released November 25 (after Colvin's testimony, but before the generals and David Mulroney contradicted him) suggested that 51% of respondents believed Colvin's statements that prisoners handed over by Canadian soldiers to Afghan authorities

were likely abused and that the government knew of the problem. Twenty-five percent believed the government's assertion that the claims were flimsy. The Conservatives' tone has shifted away from attacking Colvin's personal credibility to steps it has taken to address concerns. On November 23, Foreign Affairs Minister Lawrence Cannon said that Colvin had the right to make his allegations public, referencing whistleblower legislation the Conservatives had themselves put in place: "Mr. Colvin has exercised his prerogative in that regard and, in this case, his allegations are not proven. The parliamentary committee [AFGH] is working, so we'll wait until the parliamentary committee has completed its findings." The Canadian government issued a statement on November 23 confirming it had temporarily halted the transfer of detainees to Afghan prisons three times in 2009 due to concerns of maltreatment and hindered Canadian access to facilities.

COMMENT

18. (SBU) Two conflicting versions of the detainee issue are now in the public domain, both as yet unsubstantiated by documentary evidence. The government has thus far successfully deflected calls for a public inquiry, and a scheduled parliamentary recess from December 11 to January 25 will likely slow political momentum toward a broader investigation. The government's proposed release of documentary evidence relating to the former Liberal government's handling of the detainee issue is also likely to temper the official opposition's ability to torque this issue.
JACOBSON